REMARKS

Claims 1-15 are pending. With this response, claims 1, 7 and 9 are amended. Reconsideration and allowance based on the above amendments and following remarks are respectfully requested.

Applicants appreciate the indication of claims 3 and 10-15 as containing allowable subject matter.

The Office Action rejects claims 1, 6, 7 and 9 under 35 U.S.C. § 102(e) as being anticipated by Koto (USP 6,463,101); claims 2, 4 and 8 under 35 U.S.C. § 103(a) as being unpatentable over Koto, Fernando, et al. (International Conference on Imaging Processing, Vol. 3, 24-28 Oct. 1999, pp. 299-303) and Hurst (USP 6,771,825); and claim 5 under 35 U.S.C. § 103(a) as being unpatentable over Koto in view of Mutoh, et al. (USP 6,631,210). These rejections are respectfully traversed.

Koto discloses a video encoding method and apparatus which allows the setting of a random access point at an arbitrary position in an encoding process. In Koto, the encoding frame is divided into groups each having a predetermined intra-frame prediction structure. During the encoding of the current frame, it is checked whether a random access point is set in the next frame group. If the random access point is set in the next frame group, the intra-frame prediction is changed by extending the current encoder frame to the frame immediately preceding the set position of the random access point. See column 2, lines 35-49. In Koto's system, a controller 23 controls the encoding process. This includes controlling a picture reordering section 11, a scene change detector section 24 along with motion compensated prediction section 20 and switches S1 and S2. See column 5, lines 51-59.

The Office Action alleges that the scene change detector section 24 provides the claimed extracted image feature recited in claims 1, 7 and 9. Applicants respectfully submit that the scene change detector taught in Koto is controlled by the controller 23. See column 5, line 47-column 6, line 17. Further, in Koto, the picture reordering is also controlled by the controller 23. Thus,

the scene change detector and picture reordering section 11 are part of the processing operation performed and controlled by the controller 23.

In contrast, in embodiments of the present invention the preprocessing portion performs both extraction of an image feature from a non-encoded moving image and also sorting of the image. This is accomplished without being controlled by the controller part, which is alleged in the Office Action to correspond to the controller 23 in Koto. The claimed controller, in embodiments of the present invention, receives the extracted image information from the preprocessing portion. The controller does not control the operation of obtaining the extracted information as the controller does in Koto nor does the controller in embodiments of the present invention perform the sorting operation as also controlled by the controller in Koto. Thus, the scene change detector and picture reordering section in Koto are not analogous to the claimed encoding preprocessing portion or module. Also, the controller in Koto is not analogous to the claimed control portion, control module or controller as defined in embodiments of the present invention.

Thus, Koto fails to teach or suggest, *inter alia*, an encoding preprocessing portion for extracting an amount of image feature from a moving image not encoded and sorting each of frames constructing the moving image in order of the encoding, wherein the amount of image feature is extracted on an interframe basis; and a control portion upon receiving the image feature extracted from the preprocessing portion, setting interframe encoding parameters based on the amount of image feature extracted in the encoding preprocessing portion, as recited in claim 1.

Further, Koto fails to teach, *inter alia*, extracting an amount of image feature from a moving image prior to encoding, wherein the amount of image feature is extracted on an interframe basis; sorting each of frames constructing the moving image in order of encoding; and obtaining the extracted image feature, by a controller, the controller setting interframe encoding parameters based on the extracted image feature, as recited in claim 7.

Also, Koto fails to teach, *inter alia*, an encoding preprocessing module which extracts interframe feature information from an unencoded moving image and sorts frames of the moving image in order of encoding; and a control module operatively connected to the encoding preprocessing module, wherein the control module sets interframe encoding parameters based upon the extracted interframe feature information received from the encoding preprocessing module, as recited in claim 9.

Therefore, Koto fails to teach each and every feature of independent claims 1, 7 and 9, as required. Further, Fernando, Hurst and Mutoh fail to make up for Koto's deficiencies. Therefore, dependent claims 2, 4, 6 and 8 are distinguishable for the reasons above as well as for additional features that they recite. Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

CONCLUSION

For at least these reasons, it is respectfully submitted that claims 1-15 are distinguishable over the cited art. Favorable consideration and prompt allowance are earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Chad J. Billings (Reg. No. 48,917) at the telephone number of (703) 205-8000, to conduct an interview in an effort to expedite prosecution in connection with the present application.

MRC/CJB/lab
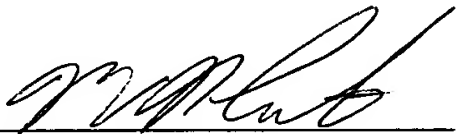
If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Dated: August 26, 2005   Respectfully submitted,

MRC/CJB:lab:cb   By_____
                                           Michael R. Cammarata
                                           Registration No.: 39,491
                                           BIRCH, STEWART, KOLASCH & BIRCH, LLP
                                           8110 Gatehouse Rd
                                           Suite 100 East
                                           P.O. Box 747
                                           Falls Church, Virginia 22040-0747
                                           (703) 205-8000
                                           Attorney for Applicant